

REMARKS

Summary of Office Action

Claims 1, 2, 4, 6-8, and 11-20 remain pending in the application. Claims 21-24 are newly presented herein. In the Office Action of September 13, 2006, the Examiner rejected claims 1, 2, 4, 6, 8, 11-13, 15-18, and 20 under 35 U.S.C. §103(a) as being unpatentable over Espe, (U.S. Publication No. 2001/0029139) in view of Kositzke, (U.S. Patent No. 4,909,284). The Examiner also rejected claims 7, 14, and 19 under 35 U.S.C. §103(a) as being unpatentable over Espe in view of Kositzke, and further in view of Douglas et al. (U.S. Patent No. 5,855,733).

Claim Rejections Under 35 U.S.C. §103

The Examiner rejected claims 1, 11, and 18 under 35 U.S.C. §103(a) as unpatentable over Espe in view of Kositzke. Applicant has amended each of these claims to clarify that which is called for therein, respectively. As amended, claim 1 calls for, in part, a press pad comprising a fabric wherein a warp or a weft of the fabric is formed by a pattern of alternating types of thread. Claim 1 further calls for at least two types of thread wherein each type of thread has a different elasticity transverse to the thread axis and, even though the thread types have different elasticities, each type of thread has generally equal sheath and thread diameters. Claims 11 and 18 have been amended to further clarify that the press pads defined therein include a first type of thread and a second type of thread, wherein even though the different types of threads have differing elasticities, a diameter of the first type of thread is generally equal to a diameter of the second type of thread. The art of record does not teach, suggest, or disclose a press pad having such a construction.

Espe, having since issued as U.S. Patent No. 6,737,370, is a prior invention of this Applicant. This reference discloses a press pad thread having a high strength core and a thread coating positioned about this high strength core. As acknowledged by the Examiner, this reference does not disclose or suggest the subject matter of the presently claimed invention of a press pad that includes alternating types of threads. The Examiner combines the disclosure of Kositzke with Espe asserting that “press pads and papermaking belts are both woven fabric designed to act as a support in forming other articles and are therefore related.” Such a

conclusion is both inaccurate and untenable. This interpretation of determining the relatedness of references is nearly all encompassing. That is, this logic would also mean that the present invention is related to ink jet printers that have a woven fabric that support ink in forming printed documents. Such devices are clearly unrelated to press pads but would only be analogous to the present invention using the Examiner's overly broad definition of analogous art.

As stated in MPEP §2141.01(a) II "while Patent Office classification of references ... are some evidence of 'nonanalogy' ..., ... similarities and differences in structure and function of the inventions [to] carry far greater weight." Espe and Kositzke do not share a common international or national class, unlike Espe and Douglas et al. that are both directed to press pads and share the international class D03D and U.S. class 442. Although not dispositive, this provides a first indication of the non-analogous nature of the present application to the system of Kositzke. Secondly, it is commonly understood that a press pad as disclosed in the present application does not act as a support for the forming of articles as alleged by the Examiner.

It is commonly understood that a material processed using a press operable with a press pad is not supported by the press pad but is supported by a caul plate between respective sides of the press. The press pad is positioned on a side of this caul generally opposite the material being processed and is disposed between a press platen and the caul plate. It is very important during material formation that the press pad not be in contact with the material being formed. The press pad, by being disposed between the caul plate and the platen, equalizes the pressure exerted on the metal caul plate and the material being pressed. If the pressure communicated to the caul plate is not evenly distributed by the press pad disposed between the platen and the caul plate, the quality of the finish material would be rendered unsatisfactory.

In stark contrast to this operation and function, it is commonly understood that papermaker's fabric directly supports a web of formed paper and does not exert any pressure on the paper being formed. If pressure were exerted between the papermaker's fabric and the paper, the contour of the papermaker's fabric would be transferred to the texture of the paper being formed. The papermaker's fabric is also porous to allow the transfer of steam, air, or water vapor through the fabric and out of the paper. Whereas a press pad according to the present

invention must withstand the temperature and pressure associated with the press operation, the papermaker's fabric does not need to satisfy these operational requirements, as it is not subjected to the pressing operation. Unlike a press pad, although the papermaker's fabric is constructed to withstand the tensioning and continued rotation of the belt in the papermaking machine, these fabrics are ill suited to provide the resiliency demanded of a press pad. That is, these differences in the structure and function of a press pad and papermaker's fabric further evidence the nonanalogous nature of these technologies.

These distinctions are further evidenced in the claims as presented herein. As amended, claims 1, 11, and 18 call for a press pad constructed of at least two types of threads wherein a diameter of the first type of thread is generally equal to a diameter of the second type of thread. There is no disclosure for a press pad having such a construction in Espe or Douglas et al. Furthermore, regardless of the nonanalogous nature of the papermaker's fabric of Kositzke, Kositzke discloses that the papermaker's fabric includes a plurality of weft and weft support yarns that have varied diameters. As shown in Figs. 1-3 of Kositzke, the diameter of the different types of yarns of the papermaker's fabric are not generally equal or similar as called for in the present claims.

As stated in the abstract, Kositzke states that "by varying the diameters of the weft yarns one can optimize fiber support on the sheet supporting surface and abrasion resistance on the wear surface." Kositzke further states that "the lower weft yarns 14, the upper weft yarns 16, and the weft support yarns 18 are selected from different diameter yarns in accordance with their function in the fabric." Kositzke, c. 3, ll. 35-39. That is, Kositzke is clear that the diameter of the different types of threads varies as a function of the threads function in the fabric. Thus, Kositzke clearly teaches away from forming a weaved material having different types of threads with different elasticities and common diameters as called for in the present claims. Accordingly, at least for the reasons set forth above, Applicant believes that not only in Kositzke nonanalogous art, but the combination of Kositzke with the remaining art of record fails to teach or suggest each and every element as called for in the pending claims.

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Claims 21-24 have been newly added herein. These claims are also believed to be patentably over the art of record. These claims further define the operation and function of the different thread types and the purpose of the similar diameters even though the elasticities of the different thread types is not the same. Therefore, Applicant believes that claims 1, 2, 4, 6-8, and 11-24 are patentably distinct over the art of record and in condition for allowance.

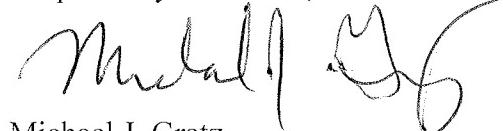
CONCLUSION

It is submitted that claims 1, 2, 4, 6-8, and 11-24 are in compliance with the applicable rules and that each claim defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No fees are believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the director is authorized to charge any fee or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite the prosecution and allowance of this application.

Respectfully submitted,



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